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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

20 ALEXANDER STEIN,
21 Plaintiff,
22 vs.
23 CITY OF LAS VEGAS, a municipal
24 corporation; CAROLYN G. GOODMAN;
25 MICHELE FIORE; and DOES I-XX;
26 inclusive,
27 Defendants.

28 Case No.: 2:23-cv-00355-JCM-BNW

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~~PLAINTIFF'S DISCLOSURES~~
~~PURSUANT TO FEDERAL RULE OF~~
~~CIVIL PROCEDURE 7.1 AND LOCAL~~
~~RULE 7.1-1~~
JOINT PROPOSED DISCOVERY
PLAN AND SCHEDULING ORDER

32
33 Plaintiff, Alexander Stein, (“Plaintiff”) and Defendant, City of Las Vegas, Carolyn G.
34 Goodman, and Michele Fiore et al (hereinafter “Defendants”) by and through their respective
35 counsel, hereby submit to the Court the following Joint Proposed Discovery Plan and Scheduling
36 Order (“DPSO”) pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1.

37
I. Procedural History

38 Plaintiff filed a Complaint on March 7, 2023, in the United States District Court, District
39 of Nevada against Defendants (ECF No. 1). Plaintiff filed a First Amended Complaint on April
40 24, 2023 (ECF No. 7). Defendant waived service and answered the Complaint on June 20, 2023
41 (ECF No. 8).

1 **II. Fed. R. Civ. P. 26 Meeting**

2 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule of Court 26-1(d), on
3 **August 1, 2023**, Counsel for Plaintiff, Jonathan Gross, Esq. and counsel for Defendant, John
4 Curtas participated in a Rule 26(f) Conference.

5 **III. Initial Disclosures**

6 The parties will exchange their respective Initial Disclosures on or before **Monday, August**
7 **14, 2023**.

8 **IV. The Subjects on Which Discovery Will Be Conducted**

9 The parties agree that discovery will be needed on the Plaintiff's claims and causes of
10 action, damages, including any economic, compensatory, and emotional distress damages, as well
11 as the Defendant's denials of factual allegations and defenses to the same consistent with the
12 Federal Rules of Civil Procedure and the Local Rules of this District.

13 **V. Issues Related to The Disclosure or Discovery Of Electronically Stored Information**

14 The parties hereby certify that they discussed whether they intend to present evidence in
15 electronic format to jurors for the purposes of jury deliberations. At this time, the parties believe
16 that this case may involve or require the inspection or production of some electronically stored
17 information ("ESI"). To the extent a party requests ESI, the parties agree that the ESI can be
18 produced as a readable image (*e.g.*, .pdf or .tiff) file, while reserving the right to seek ESI thereafter
19 if necessary and to the extent readable images are insufficient in establishing any claims or
20 defenses. If a party later requests the ESI be produced in its native format and/or as a forensic
21 copy, the parties agree to meet and confer to determine the parameters of the production and to
22 produce according to the Federal Rules of Civil Procedure and LR 26-1(b)(9).

23 Accordingly, the parties agree that a party who produces a document protected from
24 disclosure by the attorney-client privilege, attorney work product doctrine or any other recognized
25 privilege ("privileged document") without intending to waive the claim of privilege associated
26 with such document may promptly, meaning within fifteen (15) days after the producing party
27 actually discovers that such inadvertent disclosure occurred, amend its discovery response and
28 notify the other party that such document was inadvertently produced and should have been

1 withheld. Once the producing party provides such notice to the requesting party, the requesting
2 party must promptly, meaning within seventy-two (72) hours, return the specified document(s)
3 and any copies thereof. By complying with this obligation, the requesting party does not waive
4 any right to challenge the assertion of privilege and request an order of the Court denying such
5 privilege.

6 **VI. Discovery Disputes**

7 The parties agree to forego the optional requirement of a court conference under Fed. R.
8 Civ. P. 16(b)(3)(v).

9 **VII. Limits On Discovery**

10 At this time, except as explicitly stated herein, the parties agree that discovery will be
11 conducted with the Federal Rules of Civil Procedure and applicable Local Rules of this District
12 Court without limitation or modification of the same.

13 **VIII. Alternative Dispute Resolution**

14 The parties hereby certify that they have met and conferred about the possibility of using
15 alternative dispute resolution processes. This is not an “employment-discrimination action”
16 subject to the mandatory early neutral evaluation requirements of LR 16-6.

17 **IX. Alternative Forms of Case Disposition**

18 The parties hereby certify that they considered consent to trial by a magistrate judge under
19 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program. At this time, the
20 parties do not consent to trial by the magistrate judge or to the use of the Court’s Short Trial
21 Program.

22 **X. Discovery Plan**

23 All discovery in this case will be conducted in accordance with the Federal Rules of Civil
24 Procedure and applicable Local Rules of this District Court. The parties propose to the Court the
25 following cut-off dates:

26 a. **Discovery Cut-off Date:** The discovery cut-off deadline shall be **Monday,**
27 **December 18, 2023**, 181 days after Defendants filed their answer on June 20, 2023 (ECF No. 8).

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1 b. **Amending the Pleadings and Adding Parties:** The deadline to amend pleadings
2 or add parties shall be **Tuesday, September 19, 2023**, ninety (90) days prior to the discovery cut-
3 off date of December 18, 2023, in accordance with LR 26-1(b)(2).

4 c. **Expert Disclosures:** The expert disclosure deadline shall be **Thursday, October**
5 **19, 2023**, sixty (60) days prior to the discovery cut-off date of December 18, 2023, in accordance
6 with LR 26-1(b)(3). Rebuttal expert disclosures shall be made by **Monday, November 20, 2023**,
7 thirty (32) days after the initial disclosure of expert's deadline (30th day is a weekend), in
8 accordance with LR 26-1(b)(3). The parties shall have until the discovery cut-off date to take the
9 depositions of the experts. Expert discovery will be conducted in accordance with applicable
10 Federal Rules of Civil Procedure and Local Rules of this District Court, specifically, Fed. R. Civ.
11 P. 26(a)(2) and 26(b)(4), and Local Rules 26-1(b)(3).

12 d. **Dispositive Motions:** Dispositive motions shall be filed by **Wednesday, January**
13 **17, 2024**, thirty (30) days after the discovery cut-off date of December 18, 2023, in accordance
14 with LR 26-1(b)(4).

15 e. **Motions in Limine/Daubert Motions:** Pursuant to LR 16-3(b), and unless the
16 District Judge issues an Order with a different deadline or briefing schedule, any motions in limine,
17 including *Daubert* type motions, shall be filed and served thirty (30) days prior to trial unless the
18 District Judge issues an order with a different deadline or briefing schedule. Oppositions shall be
19 filed and served, and the motion submitted for decision fourteen (14) days thereafter. Reply briefs
20 will only be allowed with leave of court.

21 f. **Pretrial Order:** The Pretrial Order shall be filed not later than **Friday, February**
22 **16, 2024**, thirty (30) days after the deadline for filing dispositive motions date of January 17, 2024,
23 in accordance with LR 26-1(b)(5). In the event dispositive motions have been filed, the Pretrial
24 Order shall be suspended until thirty (30) days after a decision of the dispositive motions or further
25 order of the Court.

26 g. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The pretrial disclosures required by Fed. R.
27 Civ. P. 26(a)(3), and any objections thereto, shall be included in the final pretrial order in
28 accordance with LR 26-1(b)(6).

1 h. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
2 accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this discovery
3 plan and scheduling order shall be received by the Court no later than twenty-one (21) days before
4 the expiration of the subject deadline. A request made within 21 days of the subject deadline will
5 be supported by a showing of good cause. Any stipulation or motion will comply fully with LR
6 26-4.

7 **IT IS SO STIPULATED.**

8 DATED this 1st Day of August 2023.

9 WATKINS & LETOFSKY, LLP.

8 DATED this 1st Day of August 2023.

9 CITY ATTORNEY'S OFFICE

11 */s/ Daniel R. Watkins*

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13 Daniel R. Watkins, Esq.
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15 dw@wl-llp.com
16 Attorneys for Plaintiff

11 */s/ John A. Curtas*

12 _____
13 John A. Curtas, Esq.
14 Nevada State Bar No. 1841
15 jacurtas@lasvegasnevada.gov
16 Attorney for Defendants

16 **ORDER**

18 **IT IS SO ORDERED.**

19 
20 _____
21 UNITED STATES MAGISTRATE JUDGE

22 _____
23 August 2, 2023

24 _____
25 DATE